Supreme Tribunal Remands Resell Will Cause to the Chancery Court.

WILL RIDE ON TRANSERS

Seven Pines People WinTheir Case and Corporation oinmission Is Sustain.

One of the most interesting class decided by the court yesterday has a Richmond case, involving construction of the will of Mrs. Adeline Pitt isself and a codicil thereto attached. He adeliance in the codicil thereto attached. He adeliance in a codicil thereto attached. He adeliance in a codicil thereto attached. He adeliance of the Chancery Court I the city of Richmond, from which is case comes, as directs the \$4,000 mitloned in the codicil to be paid to the fix of kin. The decree of the Chancery Court I the city of Richmond, from which is case comes, as directs the \$4,000 mitloned in the codicil to be paid to the fix of kin. The decree of the conductive the fix of the proceeded in the apinion of the pielate court.

Mrs. Russell died, living a will, April 12, 1800, which, togeler with a codicil dated May 9, 1808, we still admit the toprobate in the Chaptery Court in February. 1902, in the will with the testartix, after making a fewboquests of personality to persons maded in a memorandim, leaves all the still the testartix, after making a fewboquests of very kind winatoever, to the Prison Association of Virginia. In the codicil, added eight years later, the statirix refers to the will without referation thereof, relierating the bequest the Prison Association of Virginia. In the codicil, added eight years later, the statiry refers to the will without referation thereof, relierating the bequest the Prison Association and bequeathings Right Rev. A. Van de Vyver, a Roman atholic bishop of Richmond, the sum shoon, or the purposs of establishing a lome for female negro orphans in Richmond, va. Certain other specific beques are made to relative and friends.

The bill in the case was filed to obtain a judicial confuction of the case. The bequest to Bjlop Van de Vyver was declared void by lapsed, and is an issue in the case only so far as the disposition of the state, and and the passed to her next of the critical price of the void legacy, had died integrated to it void legacy, had died integrated to the passes of the c

real and takes everything not otherwise efficially disposed of by the will.

The Real Question.

The cart only deals with the latter of these to propositions, and that is the only real question presented for consideration is the nase.

Judg Keiln in his opinion quotes numerous autholes on administration and also many cort decision, and concludes. It is hirdly neessary to multiply authorities it show hat by the will under consideration the prison Association was the residuery legica of the testatrix. The whole scope I the final clause of that will disclose the intent of the testatrix and uses approved to convey her meaning. The apicalion is expressly hamed as the legal of the residue of its entire estate. The codicil to the will refit the associator just where it was as the residuent yates. The question then presented its observed the bequest to the Catholic bisho having failed, fall into the rappellees joid to the latter of the two contention.

that shi intended by her will to dispose of the whole of her estate, and not to die maste with respect to any part of it. In other words the conclusion to be dediced from a consideration of the particar will but strengthers the presumptin which attaches to all wills. It the odell had constituted a part of the origin testamentary paper, if it had preced the residuary clause, there woul have been no room for conversy But, as we have seen, the position of threading the pastion of threading the position of the will. The whole will to be read; it speaks, every line of it, the testator's death; it is to be constript in its entirety, and the intention, when ascertained, if it below, will, governs and controls."

Justice John Reversed.

Justice John Reversed. Justice John Reversed.

A the case of Gates and Son vs. the Cy of Richmond, an appeal from the Hamment of the Hustings Court of the Cy of Richmond, Judgo Stafford G. Thitle wrote the opinion of the court, versing the lower court and remanding he case, for further proceedings. This ase is a test of the ordinance of the Hy of Richmond forbidding the contrincting of a projecting fence, porch, window, stop, etc., which encreaches upon the street line and obstructs such street. It is of interest especially to merchants and wholesale firms, which often find it necessary to lay skids or have temporarily from the doors of their stores or business places across the the pavement to drays and wagons, which are to be loaded or unloaded, thereby for a time obstructing the free use of the pavements by pedestrians.

The sole-question involved in the case

NATURES GREATEST

A S SISTANT

FREE FOR 30 DAYS. COURT DECIDES FREE FOR 30 DAYS. NOTED WILL CASE A POSITIVE GURE FOR CATARRH DRUGGISTS GIVING AWAY DRUGGISTS GIVING AWAY \$2.00 for \$1.00

THE MOST COMPLETE AND ONLY POSITIVE CURE FOR CATARRH, COLDS, COUGHS, GRIP, BRONCHITIS AND ASTHMA.

nater will postively cure Catarrh. I mean by this Catarrh of the Head, Ca-Catarri. I mean by Catarri of the Hoad, tarrh of the Stomnois, Catarrh of the Stomnois, Catarrh of the Stomnois, Catarrh of the Stomnois, Catarrh of the Kidneyn, and CATARIHH of the Bowels. I don't care howfels. I don't care howfoliate has been tallotlaw the most ratiothat has ever been
found. I know that I
have the most ratiomy Paw Paw will not
only CURES Indigestion and Catarrh of
the Stomach, but that
it will positively eradleate every particle of
categral poison from
the Bood. Its vitalating forces immediately build up the
whole nervous system
It curbes, You can't
be despondent, you
can't have dyspesia,
you can't be nervous, you can't the

Gives Instant Relief.

say to every person who buys this outfit and is not perfectly satisfied with this, I will refund the money, if your drugsist cannot deliver you this complete treatment, sense one dollar and I will send the treatment by express, all charges prepaid. Address MUNYON HEMEDY CO., Philadelphia, Pa.

is whether or not the conceded facts in the case constitute a violation of the city ordinance, which is quoted in full in the opinion. The court holds that the ordinance is a penal one and is therefore to be construed strictly. It is not to be extended by implication and must be limited in the application to cases clearly described by the language employed.

Gates and Son were fined by Justice Crutchield for obstructing a street in the manner described in violation of the city ordinance. The firm appealed and the Hustings Court affirmed the judgment of the Police Court. The opinion of the appellate court reverses both the inferior tribunals. Judge Whittle quotes numerous opinions of the highest court of this and other States and of the United States Court, establishing and maintaining the principle that penal statutes must be construed strictly, a rule which Chief Justice Marshall says is not much less old than construction itself. It is founded in the tenderness of the law for the rights of individuals and on the plain principle that the power of punishment is vested in the legistative, not the judicial department.

Quotes the Chief Justice Fuller.

the associan just where it was as the the associan just where it was as the the associan just where it was as the the described in the presiduary katee. The question then presented is joes the beauest to the Catholic bisho having falled. fall into the olic bisho having falled. fall into the residuary falsed. The gendlum just to the next of kin? The appellees jold to the latter of the two contention. Residualisposition is made by the will, effectuallisposition is made by the will, effectuallisposition is made by the will, effectuallisposition is made by the will, the residuary clause. In the client of the two long the mistance of a residue given in molecles to hold that a gift a molety shall eventually carry the whe. In declding the question presented he court holds that the problem present to courts in such cases is one of as falaning the intent of the testicity. The court is necessary to the last the problem present to court is necessary to the last the problem of a solution in the case is considered as to consider any substantial departure from this time-tested canon of construction. Its violation involves a most dangerous innovation, and places persons are constructed to the same effectually in which from any cause in present to court in such cases is nown to make the problem of the substantial that th

Opinion Is Confirmed.

In the case of Driver's administrator vs. the Southern Railway, the opinion of the court is delivered by Judge Buchanan and affirms the Judgment of the Circuit Court of Prince William county, from which the case is appealed.

Driver was a fiagman of a Southern Railway train and was killed in the caboose of his train by a rear-end collision with a train following. It was claimed that his death was due to the negligence of the company, and exceptions to several rulings of the Judge of the trial court at the company and exceptions to several rulings of the Judge of the trial court of the company and exceptions to several rulings of the Judge of the trial court of the company and exceptions to several rulings of the Judge of the trial court, which was in favor of the defendant. The fatality from which the case grew occurred prior to the constitutional and statutory changes in the law of master and servant. It appears that Driver's train was delayed, as sleged by reason of weakness in the engine, and that the train following had its caboose and other cars in front of the confine, beling nushed at the time of the collision and that the collision and killing of Driver were due to necligence on the part of the company.

The court, after reviewing and displassing as invalid the various grounds of error assumed, holds that the roximite cause of the death of the plantiffs intestate, as clearly annears from the evidence, was his own falligher to company, which made in his duty under the effectivent and the had done the streumstances to go back with danger signals to warn any train moving in the same direction. If he had done this the accident would have

, 39, /EARS

TO BACK IT UP

FOR THE HAIR

Residential Sealer desire. Not if a distinguish of our open self, by XANTHINE COMPANY, Richmond, Va-

Seven Pines People Win.

Seven Pines People Win.

In the case of the Virginia, Passenger and Power Company vs. the Commonwealth of Virginia, an appeal from the order of the State Corporation Commission, Judge Keith writes the opinion of the court, whith fully sustains the order entered by the commission and affirms the same.

The Virginia Passenger and Power Company and the Richmond Passenger and Power Company must continue to sell "labor tickets" at the rate of two for five cents, and to Issue and receive transfers between the Seven Pines line and the connecting line at Twenty-minth and Patrests. So has the Supreme Court decided.

The two electric railway companes per page 100 per pa

without additional charge.

From the order entered by the Corporation Commission the railway companies took an appeal to the Supreme Court. Judge Reith's opinion in the matter is very brief. After setting forth the opinion rendered by the commission, he says:

"It thus appears that in the view of the Corporation Commission with the respect to the sale of labor tickets and the giving of fransfers in controversy. We think that the construction placed by the Corporation Commission upon the ordinances of the city is a reasonable and proper one, and this conclusion is greatly strengthened by the fact that it is the construction acided upon by the appollants, commending a short time after the passage of the ordinances by the city, and continuing for about four years, when the railroad companies alsoentinued the sale of labor tickets and the giving of transfers, which led to the institution of the proceedings before the Corporation Commission. We have given the views of the Corporation Commission in full, because they are so clear and convincing that we are conjuncted of, which is affirmed."

Harris Wins the Suit.

In the case of the Virginia and North Carollina Wheel Company vs, Harris, from

Harris Wins the Suit.

In the case of the Virginia and North Carolina Wheel Company vs. Harris, from the Circuit Court of Henrico county, Judge Whittle writes the opinion of the court, which is an affirmance of the judgment of the court below.

William B. Harris, a spoke sawyer in their employ, got his hand mangled by the saw and sued the Wheel Company for \$10,000 damages, alleging defective machinery. He was awarded \$3,000 on a showing that he had repeatedly warned the company of danger, and had been momised remedy, and it had been "rofused."

The meaning of "refused" was at issue.

the company of danger, and had been monimised remedy, and it had been "rofused."

The meaning of "rofused" was at issue. The court held that a "fallure to comply" and a "refusal to comply" may at law have the same general operation.

In the case of the Chesapeake and Ohio Rallrond Company vs. Harris, from the Circuit Court of Fluvanna county, the opinion of the court is delivered by Judge John A. Buchanan, and affirms the judgment of the trial court.

Julian O. Harris sued for damages for injuries received by falling off a culvert at Bremo, and was awarded \$0,00. He had been to Richmend on an excursion, but had returned as far as Bremo on the regular ancommodation, which goes no farther, He was told to get off and walt for the excursion train. The rear car, on which Harris was riding, did not reach the platform. It was dark and raining; he knew nothing about the place; no trainman showed him where to go, and he walked off the ties into the ditch. The court said that the law requires the company to furnish lighted and safe passage for its passengers from train to station.

THE SUMMARY.

THE SUMMARY.

List of Opinions and Writs of

Error From Supreme Court.

By James Keith, President:
Up som Association of Virginia vs. Rusself's
administrator, Chancery Court of city of Richmend, Reversed.
Virginia Pessenger and Power Company, at

al. vs. Commonwealth of Virginia. State Corporation Commission. Affirmed.
Adams vs. Jennings. Circuit Court of Campbell county. Reversed.
Interstate Coal and Iron Company vs. Commonwealth. Circuit. Coat of Wise county.

Fritts. Circuit Court of Warren county. Atfirmed.
Chadduck vs. Burko. Circuit Court of Cuipeper county. Reversed.
By Judge Stafford G. Whittle:
Gates & Son Company vs. City of Richmond.
Hustings Court of city of Richmond. Reversed.
Virginia and North Carolina Wheel Com-

icksburg. Writ of error and supersedeas. Bond, \$500.

North British and Mercantille insurance Company vs. Estmundson. Circuit. Court of Frederick county. Writ of error and supersedeas. Bond, \$1,000.

Nortosi end Curt of Campbell county. Writ of error and supersedeas. Bond, \$1,000.

Bell. Circuit end Curt of Campbell county. Writ of error and supersedeas. Bond, \$4,000.

Schwalm's. Berstelley. Circuit Court of ety of Richmond. Writ of error. Bond, \$200.

To Review of Campbelley. Circuit Court of ety of Richmond. Writ of error. Bond, \$1,000.

Newport News vs. Phillips. Corporation Court of city of Newport News. Writ of error and supersedeas. Bond, \$1,000.

Virginia Iron, Cool and Coke Company vs. Tominson's administrator. Circuit Court of Wythe county. Writ of error and supersedeas.

Bond, \$4,000.

Southern Railway Company vs. Patterson.

Supreme Court Proceedings.

Proceedings of the Supreme Court of Appeals onterday were: Virginia Passenger and Power Company vs. where and others. Fully argued by Henry isher and others.

ABOLISH PILLORY;

washington, D. C., March S.—Afton, a session of seven minutes the Senato adjourned to-day out of respect to the memory of the lato Senator Bate.

In the absence of Mr. Carmack, (Tennessee), Mr. Gorman brought the senator is yet in no danger of being shell the bill has not a loss the chartes that the post will remain as a penal melitution, even though the pillory may be swept asled as futile.

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WAY DOWN.

S. Ullman, Son's

Main Street Stores, 1820-1822 East Main Street; Marshall Street Store, 506 E. Marshall St. Phones at our Two Stores,

BATE, TENNESSEE SENATOR, IS DEAD

Veteran Statesman Passes Away Asking to be Taken to Native State He Loved So Well.

TOOK COLD AT INAUGURATION

During , Life Refused Pension and Would Not Accept Pass on Railroads.

(From Our Regular Correspondent.) WASHINGTON, D. C., March 9,-"Take me back to Tennessee," said Senator Wilinto the face of his wife at the Ebbitt House a few minutes past 6 o'clock this long breath and his heart ceased beating. It is remarkable that the last words of this old veteran, whose patriotism and love of Tennessee, have become proverbial, should have been a request that his dust should mingle with that of the State he loved so wall. Senator Bate contracted

Sketch of His Life.

Sketch of His Life.

Senator Bato was seventy-eight years of age. He had long been prominent in the public eye. He was a veteran of the Mexican War, but was the only one in Congress who refused to draw his persion, on the ground that he was not in need of it. He was a major-general in the Civil War, on the Confederate side, and was the ranking general officer of the Confederacy in Congress. He was an officer in the famous Second Tennessee, and distinguished himself for bravery. He was three times dangerously wounded. His old-fashioned ideas of official propriety led him not only to refuse a pension, but during his bublic life it is said that he never accepted a railroad pass, franked a telegram, nor sought a job for a relative. He was Governor of Tennessee just before he was elected to the United States Senate, and no man ever served the pepple of that Commenwealth more fathfully and devotedly than he.

Senator Bate took he seat in the Senator Bate took he seat in the Senator in 1877, and was sworn in last Saturday for another term of six years. He was the ranking minority member of the Committees on Territories, Military Affairs and Agriculture and Forestry; also a member of several minor committees and chairman of the minority committees.

His Family.

Gathered about his bedside when the

And chairman of the minority committees.

His Family.

Gathered about his bedside when the end came were Mrs. Bate, Mr. Maston, a grandson; Robert Cantwell, his private secretary; Mrs. Carmack, wife of the junior senator from Tennessee; Mrs. Ellis, of Tennessee, a close friend of Mrs. Bate, and the doctor and trained nurse.

Beside the widow, two daughters, Mrs. Thomas F. Maston, of Texas, and Mrs. Childs, of Los Angeles, survive the Senator.

A heather Cantelly Bate of Mrs.

Senator.

A brother, Captain Bate, of Tennesseo, and a sister, Mrs. Harris, of California, were sent for, but were unable to reach here before his death.

Senator Bate's remains will be taken to his old home at Nashville, and will be interred in the Mount Olivette Cemetery there.

Interred in the stourthere.

The funeral party will leave Washington at 10:50 P. M. to-morrow evening
over the Southern Railway for Tennessee.
Sergeant-at-Arms Casson, of the House,
has designated the Tennessee delegation,
consisting of Messra. Brownlow, Halo,
Moon, Butler, Houston, Galhes, Padgett,
Sims, Garrett and Patterson, as a committee to represent the House at the funeral services of Senator Bate in Tenressee.

SENATE ADJOURNS.

Appoints Committee to Prepare

late a senator from Tennessee. He diec at his hotel at 6 o'clock this morning, and the end came after a brief illness. This is not the time for culcey, but I will add that he met the dread messenger with the same calmness and Christian fortitude which had characterized his conduct throughout a long and eventful career."

Mr. Gorman then presented the usual resolutions of regret at Senator Bate's death. These resolutions also directed the appointment of a committee of twelve senators to make preparations for the deceased senator's funeral in the Senatochamber at 2 P. M. to-morrow; authorized the extension of invitation to the President, the members of his Cabinet, the Supreme Court of the United States, the diplomatic corps, the ranking officers of the navy and army and the House of Representatives, and directed the sergent at arms to escort the remains to Senator Bate's former home at Nashville, Tenn., for interment.

for interment.
In accordance with this resolution, the Vice-President announced the following committee: Messrs. Carmack, Morgan, Proctor

Blackburn, Algor, Daniel, Berry, Foraker, Mallory, Spooner, Culberson and Scott. On moulon of Mr. Mallory, the Senate then adjourned as a further mark of re-

LEGISLATURE ADJOURNS.

Frazier, Taylor and McMillin Mentioned to Succeed Mr. Bate. (By Associated Press.)

(By Associated Press.)

NASHVILLE, TEN.4., March 9.—As a voken of respect to the late United States of Senator Bate, the Tennessee Legislature adjourned soon after it was called to order to-day.

It was decided during to-day's brief session to elect a successor to Senator Bate on March 21st. Governor Fazier, former Governor Belevit L. Taylor and former Governor Benton MeMillin are mentioned to succeed Mr. Bate, but the impression prevails that the Logislature will decide upon Mr. McMillin.

Mr. McMillin, who was Senator Bate's most active opponent during the last campaign, withdrew in favor of Bate, with the understanding that should Senator Bate retire McMillin would become the candidate.

Both houses of the General Assembly took appropriate action on the death of Senator Bate. Adjournment will be teken from day to day until the senators remains arrive and the funeral is held. Funeral sarvices will be conducted by Frank Cheatham Bivouae, United Con-

Thalhimer's Fifth and Broad Streets.

Specials in Suits.

Just received --- 100 New Tailored Suits, all this season's most advanced Models. that we will put on sale Friday and Saturday at special prices.

\$12.50-Ladies' and Misses' Blouse and Jacket Suits. Lymansville cheviots, jackets lined with liberty satin, blouse jackets, taffeta piped skirt, kilted in the prevailing mode;

\$15.00-Ladies' and Misses' Tallor-made Suits, in shenherd's plaids and light mixtures, jacket collarless, full blouse front and back, collar and vest of silk, high girdle, full sleeve, deep tucked cuff, umbrella skirt; \$20.00 value, for \$15.00 \$20.00-Ladies' and Misses' Strictly Man-tailored, Hard-

black and colors; two of this season's best \$25.00 models \$25.00—Silk Mohair Blouse Suits, high colors in fancy checks and changeable effects, tucked blouse, trimmed with

finished Covert Suits and Blouse Suits, in best grade of Panama,

Persian braid, skirts full plaited around hips, flounce effect, nobby and becoming; \$30.00 values for 325.00

Silk Waist Specials

Special sale of Silk Waists, consisting of crepe de chine lace, taffeta, peau de soie and Jap silk, black and colors; former prices \$10.00, \$7.50 and \$5.00, reduced prices\$5.00, \$3.98 and \$2.50

Specials For Men

100 dozen Men's All-Linen Sheer Hemstitched Handkerchiefs that were made to sell 19c each, will be sold Friday and Sat-

MEN'S 59c AND 69c SHIRTS FOR 48c.

The Business Man

Phone 1965

Who buys his office stationery supplies anywhere else is making a mis-take. When he comes here he will learn that we save him time, annoy-Try Us and See How True This Is.

Walthall Printing Company.

Calendars for 1906 for Sale.

109 South 12th Street.



This man's name is Silas Brown; He knows naught of washing by the

And you may know as little as he, Unless you phone eight thirty-three.

Shirts Pressed With Steam Heated Press. RESULTS Every stud hole meets

no bulging—they fit. Postal or 'phone and deduct cost from

Virginia Steam Laundry. At Poor House Spring.

HAVANA FACTORINO

-A Quantity of Quality-

5 INCHES HAVANA 5c. We absolutely guarantee this to be a strictly clear Havana smoke, and one that possesses the quality as

well as quantity of a 10c cigar. STRAUS CIGAR CO., 917 East Main Street.

federate Veterans, of which Senator Bate

COLLEGE GIRLS SEEING SIGHTS IN WASHINGTON

(From Our Regular Correspondent.) WASHINGTON, D. C., Marth 9,-A party of young ladies from the Southern Seminary, Buena Vista, are at the National, having come to the city on a tional, having come to the city on a sight-seeing expedition. The party is in charge of Rev. E. II. Rowe, president of the seminary, and Mrs. Rowe, who is chaperone. The young ladies have been taken to Mt. Vernon and Arthagton, besides to the Capitol, White House and other places of interest. They expect to leave for home ever the Southern tomorrow morning. The party is composed of Misses Chariton Soully, Blanche Eccleston and Genevieve Abney, of Texas; Luia Tate, of North Carolina; Jane Wingfield, Eva Lindsay, Louise Merriwother, Hattle Turner and Stella Kerns, of Virginia, and Bettle Griffith, of Maryland.

Professor at Danville.

(By Associated Press.)

WASHINGTON, D. C., March 9.—First Lieutenant William K. McCue, United States army, retired, upon his own application, is detailed as professor of military science and tactics at Danville Military Institute, Danville.

COULDN'T FIGURE IT.

Vexed Question of Tin Can Bids Again Before Market Committee The market Committee last night rejected all bids for the recontacles to be used for trash at the market houses, and decided 40 advirtise for new ones.

Three bids were submitted, and the City

Attorney was asked to given an opinion as to which was the lowest. He sent a letter declaring that the question was one of mathematics and not of law, and the committee made another effort last night to arrive at a conclusion.

Mr. West moved to award the contract to the Smith-Courtney Company on the ground that their bid was the lowest, but this view was not held by other members, and all the bids were rejected.
The trouble arcse out of the fact that one of the competing concerns submitted two bids, and in one of them was a condition which proved rather confusing to the committee.

McArthur Acquitted.

(By Associated Press.)

SAVANNAH, GA. March 9.-W. R.

McArthur was acquitted to-day in the
Superior Ccurt of larceny after trust.

SICK HEADACHE



Positively cured by these Little Pills. They also relieve Dia digestion and Too Hearty Eating. A perfect rem-edy for Dizziness, Nausea, Drowsiness, Bad Trate in the Mouth Coated Tongue, Pain in the Side, TORPID LIVER. They Purely Vegretable.

regulate the Bowels. Purely Vegetal SMALL PILL. SMALL DOSE, SMALL PRICE



Breuk Tood REFUSE SUBSTITUTES.